

**REMARKS**

In the non-final Office Action, the Examiner objected to the Specification because of informalities; rejected claims 1, 2, 7-9, 11-13, 17-20, 22-26, 28-32, 36-45, 47-50, 53-61, and 64-78 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 4, 9-12, 15, 21-25, 27, 28, 30, 35-39, 41-43, 47, 48, 50-53, 58, 60-66, 70-71, 73-75, 80-83, 86, 87, 89, 90, 92-95, and 98-100 of co-pending Application No. 10/407,476; rejected claims 1-11, 24-41, 60-68, and 78 under 35 U.S.C. § 101 as directed to nonstatutory subject matter; and rejected claims 1-78 under 35 U.S.C. § 102(e) as anticipated by Lamping et al. (U.S. Patent Application Pub. No. 2004/0194099).

By this Amendment, Applicants amend claims 1, 5-8, 11, 12, 16-18, 22, 24, 25, 28, 29, 37, 42, 45, 46, 54, 60, 61, 64, 66, 69, 72, and 78 to improve form, and add new claims 79-89. No new matter has been added. Applicants respectfully traverse the Examiner's double patenting rejection and the rejections under 35 U.S.C. §§ 101 and 102.<sup>1</sup> Claims 1-89 are pending.

***OBJECTION***

On page 8 of the Office Action, the Examiner objected to the Specification because of informalities noted on page 8, lines 10-11. Applicants submit that the noted informalities are rendered moot in light of the replacement paragraph for page 8 provided above. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw the objection to the Specification.

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

*OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION*

Claims 1, 2, 7-9, 11-13, 17-20, 22-26, 28-32, 36-45, 47-50, 53-61, and 64-78 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1, 4, 9-12, 15, 21-25, 27, 28, 30, 35-39, 41-43, 47, 48, 50-53, 58, 60-66, 70-71, 73-75, 80-83, 86, 87, 89, 90, 92-95, and 98-100 of co-pending Application No. 10/407,476. Applicants respectfully traverse this rejection.

A proper rejection under the judicially created doctrine of obviousness-type double patenting requires that the Examiner make clear (A) the differences between the inventions defined by the conflicting claims - a claim in the first application compared to a claim in the second application; and (B) the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue (in the second application) is an obvious variation of the invention defined in a claim in the first application. M.P.E.P. § 804. Applicants submit that the Examiner has not established a proper rejection under the judicially created doctrine of obviousness-type double patenting.

For example, the Examiner does not make clear the differences between the inventions defined by the conflicting claims by comparing a claim in Application No. 10/407,476 to a claim in the present application. Instead, the Examiner makes conclusory allegations that the claims are not patentably distinct. Such conclusory allegations are insufficient for establishing a proper rejection under the judicially created doctrine of obviousness-type double patenting.

On page 6 of the Office Action, the Examiner alleges that:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of instant Application No 10/607,927 are essentially the same as claims of copending Application No 10/407,476 except that it recites

"preferred country".

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to substitute "language" with "country" because selecting (triggering) the use of a "language" is similar to the use of "country" [see Pub No: US 2003/0191817 to Justin Fidler]

Applicant respectfully disagrees. The Examiner's entire premise for the obviousness-type double patenting rejection appears to be that "language" and "country" are one in the same. Applicants respectfully submit that the Examiner's premise is incorrect. First, Application No. 10/407,476 fails to equate the terms "language" and "country". In fact, Application No. 10/407,476 actually discloses the term "country" only once--at paragraph 81 (as reproduced in U.S. Patent Application Pub. No. US 2004/0194099). Paragraph 81 of Application No. 10/407,476 discloses (emphasis added):

Otherwise, no language preferences can be determined by either server-side or client-side language preferences. However, a language preference might still be determinable based on information available in the URL 68 and the client location. The location of the IP domain identified in the URL 68 is determined (block 132). For example, a URL 68 specified as "www.acme.at" has an IP domain of ".at," which indicates an Austrian IP domain. However, certain IP domains, such as ".com," are so widely-used that no useful language preference inferences can be drawn. If the URL 68 provides a useful IP domain (block 133), the languages of the *country* to which the IP domain is assigned is determined (block 134) and returned (135). If not useful (block 133), the location of the client 12 from which the search query 36 was sent is determined (block 136) by evaluating a Client\_IP parameter, which can be parsed from the header of the Transmission Control Protocol (TCP) packet within which the search query 36 was sent. The Client\_IP parameter provides an IP address, which is a 32-bit numeric address written as four numbers separated by periods. An IP domain can be determined by a Domain Name Service lookup of the last number in the IP address. Again, if useful in inferring a language preference (block 137), the languages of the IP domain are determined (block 138) and returned (block 139). In the described embodiment, the predominant language for the domain specified in the IP address of the client 12 is selected. Otherwise, if no IP address is provided (block 137), English is returned (block 140).

In this section, Application No. 10,407,476 discloses the languages of a country to which an IP domain is assigned may be determined and returned. Nowhere in this section, or elsewhere, does Application No. 10/407,476 disclose that "language" and "country" are

synonymous. In contrast, the claims of the present application are directed toward ordering search results based on at least one preferred country. To illustrate the difference between “language” and “country” preferences, for example, a search query for “football” might lead to a preference for English language search results. In contrast, the query “fussball” might lead to a preference for German language search results. However, even assuming a preference for English language search results, the query “football” may produce different search results if the dynamically determined preferred country is the United States as opposed to the United Kingdom. In the former, the search results would include references to the NFL and college football, whereas in the latter, the search results would include references to the FA Premier League and the World Cup.

Applicants’ claim 1, as currently amended, recites a system for ordering search results. The system includes a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries. The system also includes a search result orderer ordering at least some of the search results based on the at least one preferred country.

Claim 1 of Application No. 10/407,476 (or any other claim or combination of claims in Application No. 10/407,476) does not disclose this combination of features. For example, claim 1 of Application No. 10/407,476 (or any other claim or combination of claims in Application No. 10/407,476) does not disclose a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and a

search result orderer ordering at least some of the search results based on the at least one preferred country, as recited in claim 1 of the present application. Indeed, the Examiner cannot rely upon any of the claims of Application No. 10/407,476 as disclosing these features of amended claim 1, because Application No. 10/407,476 fails to disclose both of these features recited in amended claim 1.

Second, Applicants submit that the Examiner's assertion that the use of "language" is similar to the use of "country" based on Fidler (U.S. Patent Application Pub. No. 2003/0191817) is in error. Fidler fails to equate the terms "language" and "country". In fact, Fidler actually discloses the term "countries" only once—at paragraph 33. Paragraph 33 of Fidler discloses (emphasis added):

In an embodiment of the present invention, triggering of use of a particular language operates through the use of a variable that is linked to an NLS format, as is known in the art. NLS is a convention for naming language, similar to International Standards Organization (ISO) codes for *countries*, in which a two letter code is used for each language. These codes are used to reduce confusion.

In this section, Fidler discloses that NLS format provides a code for naming languages and that the ISO provides codes for countries. Nowhere in this section, or elsewhere, does Fidler disclose or suggest that "language" and "country" are synonymous. In contrast, the claims of the present application are directed toward ordering search results based on at least one preferred country. Because providing codes for languages and countries, as suggested by Fidler, in no way equates the terms "language" and "country," Fidler cannot possibly disclose or suggest ordering search results based on at least one preferred country, as recited in the claims of the present application.

Accordingly, Applicants submit that the rejection of claim 1 under the judicially created doctrine of obviousness-type double patenting is improper. Independent claims 12, 23, 24, 25,

42, 59, 60, 61, 69, 77, and 78 each recite, *inter alia*, ordering search results based on at least one preferred country. Applicants, therefore, submit that the rejection of independent claims 12, 23, 24, 25, 42, 59, 60, 61, 69, 77, and 78 under the judicially created doctrine of obviousness-type double patenting is also improper for at least the reasons set forth above for claim 1.

Claims 2-11 depend, either directly or indirectly, from claim 1; claims 13-22 depend, either directly or indirectly, from claim 12; claims 26-41 depend, either directly or indirectly, from claim 25; claims 43-58 depend, either directly or indirectly, from claim 42; claims 62-68 depend, either directly or indirectly, from claim 61; and claims 70-76 depend, either directly or indirectly, from claim 69. Therefore, Applicants respectfully submit that the rejection of these dependent claims under the judicially created doctrine of obviousness-type double patenting is also improper for at least the reasons set forth above for independent claims 1, 12, 25, 42, 61, and 69.<sup>2</sup>

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the judicially created doctrine of obviousness-type double patenting rejection of claims 1, 2, 7-9, 11-13, 17-20, 22-26, 28-32, 36-45, 47-50, 53-61, and 64-78 as allegedly unpatentable over claims 1, 4, 9-12, 15, 21-25, 27, 28, 30, 35-39, 41-43, 47, 48, 50-53, 58, 60-66, 70-71, 73-75, 80-83, 86, 87, 89, 90, 92-95, and 98-100 of co-pending Application No. 10/407,476.

#### *REJECTION UNDER SECTION 101*

In paragraph 7 of the Office Action, the Examiner rejected claims 1-11, 24-41, 60-68,

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<sup>2</sup> As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants

and 78 under 35 U.S.C. § 101 as allegedly directed to nonstatutory subject matter. The Examiner stated that “[c]laims 1-11, 24-41, 60-68, 78 are directed to a system, however all components are software [page 8 lines 10-12] and thus lacking the necessary hardware for any functionality to be realized it is as such non-statutory.” Applicants respectfully traverse the Section 101 rejection with regard to claims 1-11, 24-41, 60-68, and 78.

The USPTO specifically states in the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (Nov. 22, 2005 O.G. Notice) (hereinafter “Guidelines”) the following:

To properly determine whether a claimed invention complies with the statutory invention requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim falls within at least one of the four enumerated categories of patentable subject matter recited in section 101 (process, machine, manufacture or composition of matter).

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The burden is on the USPTO to set forth a prima facie case of unpatentability. Therefore if the examiner determines that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, the examiner must provide an explanation. ... If the examiner can establish a prima facie case that a claim does not fall into a statutory category, that does not preclude complete examination of the application for satisfaction of all other conditions of patentability. The examiner must further continue with the statutory subject matter analysis as set forth below.

The Examiner has not made a determination of whether claims 1-11, 24-41, 60-68, and 78 fall within one of the four enumerated categories of patentable subject matter recited in Section 101. Applicants respectfully submit that each of independent claims 1, 24, 60, and 78 (and their corresponding dependent claims) falls within one of the four enumerated categories of patentable subject matter recited in Section 101.

For example, independent claim 1 (and dependent claims 2-11) is directed to a system for ordering search results. The system includes a country selector dynamically determining at least

one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries. The system also includes a search result orderer ordering at least some of the search results based on the at least one preferred country. As shown in Figure 2 of the present application, a country biaser (34) is provided within a search engine (21). The country biaser (34) “determines one or more preferred countries 39 for each search query 36” and “orders the search results 38 in consideration of the preferred countries 39”. (Specification, page 10, lines 3-8). As shown in Figure 1 of the present application, search engine (21) is provided within a server (11). Thus, claims 1-11 are clearly directed to a “machine” (e.g., a system or a server), which is one of the four enumerated categories of patentable subject matter recited in Section 101.

Independent claim 24 is directed to an apparatus for ordering search results. The apparatus includes means for dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries. The apparatus also includes means for ordering at least some of the search results based on the at least one preferred country. As shown above with regard to claim 1, such “means” may be provided in a server. Thus, claim 24 is directed to a “machine” (e.g., an apparatus or a server), which is also one of the four enumerated categories of patentable subject matter recited in Section 101.

Independent claim 25 (and dependent claims 26-41) is directed to a system for providing preferred country ordering of search results. The system includes a parser receiving a search query describing potentially retrievable information provided in a plurality of search result



countries, an indexer executing a search by evaluating the search query against information characteristics maintained in a searchable data repository, and a country promoter dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the search results based on the at least one preferred country. Thus, claims 25-41 are clearly directed to a “machine” (e.g., a system or a server) for at least the reasons set forth above for claim 1, which, again, is one of the four enumerated categories of patentable subject matter recited in Section 101.

Independent claim 60 (and dependent claims 61-68) is directed to an apparatus for providing preferred country ordering of search results. The apparatus includes means for receiving a search query describing potentially retrievable information provided in a plurality of search result countries, means for executing a search by evaluating the search query against information characteristics maintained in a searchable data repository, means for dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and means for ordering at least some of the search results in consideration of based on the at least one preferred country. Thus, claims 60-68 are clearly directed to a “machine” (e.g., an apparatus or a server) for at least the reasons set forth above for claim 1, which, again, is one of the four enumerated categories of patentable subject matter recited in Section 101.

Finally, independent claim 78 is directed to an apparatus for dynamically determining country preferences and ordering of search results. The apparatus includes means for dynamically determining country preferences and ordering of search results, and means for receiving a search query request message and parsing at least one of terms and attributes from

the search query request message to identify potentially retrievable Web content provided in a plurality of search result countries. The apparatus also includes means for executing a search by evaluating the at least one of terms and attributes against information characteristics maintained in a searchable data repository and generating search results responsive to the executed search, and means for determining at least one preferred country. The means for determining includes means for evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and means for selecting the at least one preferred country based on the evaluated characteristics. The apparatus further includes means for ordering at least some of the search results based on the at least one preferred country, and means for presenting the search results as search result response messages. Thus, claim 78 is directed to a “machine” (e.g., an apparatus or a server) for at least the reasons set forth above for claim 1, which, again, is one of the four enumerated categories of patentable subject matter recited in Section 101.

In light of the foregoing reasons, Applicants submit that the Section 101 rejection of claims 1-11, 24-41, 60-68, and 78 is improper.

Furthermore, even assuming, *arguendo*, that claims 1-11, 24-41, 60-68, and 78 are not directed to one of the four enumerated categories of patentable subject matter recited in Section 101 (a point Applicants do not concede), independent claims 1, 24, 60, and 78, and their dependent claims, recite a practical application because they provide a transformation of an article to a different state or thing. The Guidelines state that if a claim provides a transformation or reduction of an article to a different state or thing, then the examiner shall end the inquiry and find that the claim meets the statutory requirement of Section 101.

For example, claim 1 recites a “search result orderer ordering at least some of the search

results based on the at least one preferred country.” Claims 24, 60, and 78 both recite a “means for ordering at least some of the search results based on the at least one preferred country.” Thus, claims 1, 24, 60, and 78, and their corresponding dependent claims, transform search results into ordered search results based on the at least one preferred country.

For at least these additional reasons, Applicants submit that the Section 101 rejection is again improper for claims 1-11, 24-41, 60-68, and 78.

Even assuming, *arguendo*, that claims 1-11, 24-41, 60-68, and 78 do not provide a transformation (a point Applicants do not concede), claims 1-11, 24-41, 60-68, and 78 provide a practical application that produces a useful, tangible and concrete result. According to the Guidelines, in determining whether a claim provides a practical application that produces a useful, tangible, and concrete result, the examiner should consider and weigh the following factors: (1) the USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible; (2) the tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing; and (3) the process must have a result that can be substantially repeatable or the process must substantially produce the same result again.

Claims 1-11, 24-41, 60-68, and 78 of provide a useful result in that they provide ordered search results based on the determined at least one preferred country. Such a result is useful because it enables a search engine to provide search results biased based on a determined preferred country, which may provide more useful search results. Claims 1-11, 24-41, 60-68, and 78 produce a tangible real-world result in the form of the ordered search results based on the

at least on preferred country. The results of claims 1-11, 24-41, 60-68, and 78 are also concrete because it may be repeated for any search results and/or any preferred country, and may permit generation of various types of ordered search results. Applicants submit that the Examiner's Section 101 rejection of claims 1-11, 24-41, 60-68, and 78 is improper for the further reason that claims 1-11, 24-41, 60-68, and 78 provide a practical application that produces a useful, tangible and concrete result.

In light of the foregoing, Applicants submit that the Examiner's Section 101 rejection of claims 1-11, 24-41, 60-68, and 78 is improper for the further reason that claims 1-11, 24-41, 60-68, and 78 provide a practical application that produces a useful, tangible and concrete result.

Based upon the foregoing arguments, Applicants respectfully request that the Examiner reconsider and withdraw the Section 101 rejection of claims 1-11, 24-41, 60-68, and 78.

*REJECTION UNDER SECTION 102(e) BASED ON LAMPING ET AL.*

In paragraph 9 of the Office Action, the Examiner rejected claims 1-78 under 35 U.S.C. § 102(e) as allegedly anticipated by Lamping et al. Applicants respectfully traverse the rejection with regard to the claims presented herein.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Lamping et al. does not disclose the combination of features recited in claims 1-78.

As admitted by the Examiner in the obviousness-type double patenting rejection, Lamping et al. does not disclose a "preferred country," as recited in claims 1-78. Therefore, the

Examiner was forced to rely on obviousness when asserting the double-patenting rejection. This admission alone should be sufficient to warrant withdrawal of the Section 102(c) rejection of claims 1-78 over Lamping et al. Furthermore, as shown above, the terms “language” and “country” are not synonymous.

Amended independent claim 1 has been reproduced above. Lamping et al. does not disclose the combination of features recited in amended claim 1. For example, Lamping et al. does not disclose a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and a search result orderer ordering at least some of the search results based on the at least one preferred country, as recited in claim 1. Indeed, Lamping et al. cannot disclose these features of claim 1 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 1. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and does not equate the terms “language” and “country.” Therefore nowhere in the cited sections, or elsewhere, does Lamping et al. disclose a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and a search result orderer ordering at least some of the search results based on the at least one preferred country, as recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Lamping et al. Claims 2-11 depend from claim 1 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 1.

Independent claim 12 is directed to a method for ordering search results. The method includes dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and ordering at least some of the search results based on the at least one preferred country.

Lamping et al. does not disclose the combination of features recited in claim 12. For example, Lamping et al. does not disclose dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and ordering at least some of the search results based on the at least one preferred country, as recited in claim 12. Indeed, Lamping et al. cannot disclose these features of claim 12 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 12. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable

information and provided in a plurality of search result countries, and ordering at least some of the search results based on the at least one preferred country, as recited in claim 12.

For at least these reasons, Applicants submit that claim 12 is not anticipated by Lamping et al. Claims 13-22 depend from claim 12 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 12.

Independent claim 23 is directed to a computer-readable storage medium holding code for performing the method according to claim 12. Thus, claim 23 is not anticipated by Lamping et al. for at least the reasons given with regard to claim 12.

Independent claim 24 was reproduced above. Lamping et al. does not disclose the combination of features recited in claim 24. For example, Lamping et al. does not disclose means for dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and means for ordering at least some of the search results based on the at least one preferred country, as recited in claim 24. Indeed, Lamping et al. cannot disclose these features of claim 24 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 24. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose means for dynamically determining at least one preferred country

applicable to search results generated responsive to a search query executed on potentially retrievable information and provided in a plurality of search result countries, and means for ordering at least some of the search results based on the at least one preferred country, as recited in claim 24.

For at least these reasons, Applicants submit that claim 24 is not anticipated by Lamping et al.

Independent claim 25 was reproduced above. Lamping et al. does not disclose the combination of features recited in claim 25. For example, Lamping et al. does not disclose a country promoter dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the search results based on the at least one preferred country, as recited in claim 25. Indeed, Lamping et al. cannot disclose this feature of claim 25 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 25. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose a country promoter dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the search results based on the at least one preferred country, as recited in claim 25.

For at least these reasons, Applicants submit that claim 25 is not anticipated by Lamping



et al. Claims 26-41 depend from claim 25 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 25.

Independent claim 42 is directed to a method for providing preferred country ordering of search results. The method includes receiving a search query describing potentially retrievable information provided in a plurality of search result countries, and executing a search by evaluating the search query against information characteristics maintained in a searchable data repository. The method also includes dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the search results based on the at least one preferred country.

Lamping et al. does not disclose the combination of features recited in claim 42. For example, Lamping et al. does not disclose dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the search results based on the at least one preferred country, as recited in claim 42. Lamping et al. cannot disclose these features of claim 42 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 42. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and ordering at least some of the

search results based on the at least one preferred country, as recited in claim 42.

For at least these reasons, Applicants submit that claim 42 is not anticipated by Lamping et al. Claims 43-58 depend from claim 42 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 42.

Independent claim 59 is directed to a computer-readable storage medium holding code for performing the method according to Claim 42. Thus, claim 59 is not anticipated by Lamping et al. for at least the reasons given with regard to claim 42.

Independent claim 60 was reproduced above. Lamping et al. does not disclose the combination of features recited in claim 60. For example, Lamping et al. does not disclose means for dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and means for ordering at least some of the search results in consideration of based on the at least one preferred country, as recited in claim 60. Indeed, Lamping et al. cannot disclose these features of claim 60 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 60. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose dynamically means for dynamically determining at least one preferred country applicable to search results generated responsive to the executed search, and means for ordering at least some of the search results in consideration of based on the at least

one preferred country, as recited in claim 60.

For at least these reasons, Applicant submits that claim 60 is not anticipated by Lamping et al.

Independent claim 61 is directed to a system for dynamically determining country preferences and ordering of search results. The system includes a parser receiving a search query request message and parsing at least one of terms and attributes from the search query request message to identify potentially retrievable Web content provided in a plurality of search result countries, and an indexer executing a search by evaluating the at least one of terms and attributes against information characteristics maintained in a searchable data repository and generating search results responsive to the executed search. The system also includes a country promoter determining at least one preferred country. The country promoter includes a country determiner evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics, and a country orderer ordering at least some of the search results based on the at least one preferred country. The system further includes a presenter presenting the search results as search result response messages.

Lamping et al. does not disclose the combination of features recited in claim 61. For example, Lamping et al. does not disclose a country promoter that includes a country determiner evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics, and a country orderer ordering at least some of the search results based on the at least one preferred country, as recited in claim 61. Indeed, Lamping et al. cannot disclose these features of claim 61 because

Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 61. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose a country promoter that includes a country determiner evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics, and a country orderer ordering at least some of the search results based on the at least one preferred country, as recited in claim 61.

For at least these reasons, Applicants submit that claim 61 is not anticipated by Lamping et al. Claims 62-68 depend from claim 61 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 61.

Independent claim 69 is directed to a method for dynamically determining country preferences and ordering of search results. The method includes receiving a search query request message and parsing at least one of terms and attributes from the search query request message to identify potentially retrievable Web content provided in a plurality of search result countries, and executing a search by evaluating the at least one of terms and attributes against information characteristics maintained in a searchable data repository and generating search results responsive to the executed search. The method also includes determining at least one preferred country that includes evaluating characteristics of at least one of the user interface and

the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics. The method further includes ordering at least some of the search results based on the at least one preferred country, and presenting the search results as search result response messages.

Lamping et al. does not disclose the combination of features recited in claim 69. For example, Lamping et al. does not disclose determining at least one preferred country that includes evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics; and ordering at least some of the search results based on the at least one preferred country, as recited in claim 69. Indeed, Lamping et al. cannot disclose these features of claim 69 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 69. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose determining at least one preferred country that includes evaluating characteristics of at least one of the user interface and the Internet Protocol (IP), and selecting the at least one preferred country based on the evaluated characteristics; and ordering at least some of the search results based on the at least one preferred country, as recited in claim 60.

For at least these reasons, Applicants submit that claim 69 is not anticipated by Lamping et al. Claims 70-76 depend from claim 69 and are, therefore, not anticipated by Lamping et al.

for at least the reasons given with regard to claim 69.

Independent claim 77 is directed to a computer-readable storage medium holding code for performing the method according to Claim 69. Thus, claim 77 is not anticipated by Lamping et al. for at least the reasons given with regard to claim 69.

Independent claim 78 was reproduced above. Lamping et al. does not disclose the combination of features recited in claim 78. For example, Lamping et al. does not disclose means for dynamically determining country preferences and ordering of search results, and means for ordering at least some of the search results based on the at least one preferred country, as recited in claim 78. Indeed, Lamping et al. cannot disclose these features of claim 78 because Lamping et al. only discloses use of language, as admitted by the Examiner. Furthermore, “language” and “country” are not synonymous, for the reasons discussed above.

The Examiner cited various sections of Lamping et al. and alleged that these cited sections disclose the features recited in claim 78. However, as shown above, the word “country” is only mentioned once in Lamping et al. (e.g., paragraph 81), and this document does not equate the terms “language” and “country.” Therefore, nowhere in the cited sections, or elsewhere, does Lamping et al. disclose means for dynamically determining country preferences and ordering of search results, and means for ordering at least some of the search results based on the at least one preferred country, as recited in claim 78.

For at least these reasons, Applicants submit that claim 78 is not anticipated by Lamping et al.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the Section 102(c) rejection of claims 1-78 as allegedly anticipated by Lamping et

al.

*NEW CLAIMS 79-89*

New claims 79-89 recite features that are not disclosed or suggested by the art of record. For example, new independent claim 79 recites a method that includes executing a search in response to a search query to generate search results, ordering the search results based on a degree of match with the search query, dynamically determining a preferred country, and reordering at least some of the search results based on the preferred country. The art of record does not disclose or suggest this combination of features for at least the reasons set forth above for claims 1-78. Claims 80-87 depend directly or indirectly from claim 79. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 79.

New independent claim 88 recites a device that includes a memory to store a plurality of instructions, and a processor to execute instructions in the memory. The processor orders search results based on a degree of match with a search query, dynamically determines a preferred country based on at least one of an interface characteristic, an Internet Protocol (IP) characteristic, or a user preference, and reorders at least some of the search results based on the preferred country.

New independent claim 89 recites a computer-readable medium that stores computer-executable code that includes instructions for executing a search in response to a search query to generate a ranked set search results, instructions for dynamically determining a preferred country based on at least one of an interface characteristic, an Internet Protocol (IP) characteristic, or a user preference, and instructions for reordering at least one search result of the ranked set of

search results based on the preferred country.

The art of record does not disclose or suggest the combination of features recited in independent claims 88 and 89 for at least the reasons set forth above for claims 1-78.

*CONCLUSION*

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-89.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: June 30, 2006

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